

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

SCOTT LAWRENCE BUTTERFIELD,

Civil No. 09-2848 DSD/SRN

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated October 21, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is

**DENIED;**

2. Petitioner's application to proceed in forma pauperis, (Docket No. 2), is

**DENIED;** and

3. This action is **SUMMARILY DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction.

DATED: November 9, 2009.

s/David S. Doty  
David S. Doty, Judge  
United States District Court